

and on motion of Senator Crain, the Senate went into Committee of the Whole on the special order.

Senator Storey was called to the chair.

IN SENATE.

Senator Storey, Chairman of the Committee of the Whole, reported that the committee had been in session some time, in consideration of Senate Bill No. 103, "An Act to better define the powers and duties of Sheriffs and other officers," had made some progress, and asked leave to sit again.

The President, after publicly reading their captions, signed the following bills, which had passed both Houses, to-wit:

Senate Bill No. 174—"An Act prescribing the times of holding the District Court in the Twenty-second Judicial District."

House Bill No. 141—"An Act to authorize the Secretary of State to employ extra Clerks in his office, and to make an appropriation to pay the same."

House Bill No. 126—"An Act to provide for the transfer of the cases in the late Criminal Courts, and to legalize the proceedings of the District Courts in certain cases."

Senator Grace, Chairman of Committee on Enrolled Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled, Senate Bill No. 174, entitled: "An Act prescribing the times of holding the District Courts in the Twenty-second Judicial District." The same has been properly signed and presented to the Governor, this day, at 12:10 o'clock P. M., for his approval.

GRACE, *Chairman.*

Senate Bill No. 33, "An Act to prevent a multiplicity of suits," was taken up, and pending action on which, Senator McCulloch moved to adjourn until to-morrow morning at 9 o'clock.

Senator Ford moved to amend by inserting, "10 o'clock," instead of, "9 o'clock."

Carried, and the Senate adjourned until 10 o'clock A. M. to-morrow.

THIRTY-SEVENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, May 31, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Upon motion of Senator Edwards, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator McCulloch, Chairman of Committee on Statistics of Industry, Public Health and History of Texas, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Statistics of Industry, Public Health and History of Texas, to whom was referred Senate Bill No. 180, "An Act authorizing quarantine on the coast of Texas," have had the same again under consideration, and report the same back to the Senate, and recommend

that it do pass with an amendment to Section 9, as follows: Fill the blank in said section with the words, "one hundred and fifty."

McCULLOCH, *Chairman*.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Statistics of Industry, Public Health and History of Texas, to whom was referred Senate Joint Resolution No. —, "Making an appropriation to provide for perpetuating the memory of our distinguished statesmen and heroes, by securing their portraits," have had the same under consideration, and report the same back with the recommendation that it do pass with the following amendments:

Amend by inserting the names of "Albert Sidney Johnson, J. Pinckney Henderson, and Ben McCulloch, after that of Anson Jones."

McCULLOCH, *Chairman*.

Senator Hobby, Chairman of Committee on Judiciary No. 1, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred House Bill No. 188, entitled, "An Act to provide for special terms of the District Court in the Twentieth Judicial District," have instructed me to report the bill back to the Senate and recommend that it do pass.

HOBBY, *Chairman*.

Senator J. R. Henry, Chairman of Committee on Public Claims and Accounts, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Public Claims and Accounts, to whom was referred the "memorial of the Pennsylvania Fire Insurance Company," have had the same under consideration, and report the memorial back to the Senate with the recommendation that it be not granted.

J. R. HENRY, *Chairman*.

Senator Smith, Chairman of the Committee on Constitutional Amendments, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Constitutional Amendments, to whom was referred Senate Joint Resolution, "proposing an amendment to Article 5 of the Constitution, requiring the terms of the Supreme Court to be held at five places," have had the same under consideration, and beg leave to report the same back with the recommendation that it do not pass.

SMITH, *Chairman*.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Constitutional Amendments, to whom was referred Senate Joint Resolution No. 206, "proposing an amendment to Section 56 of Article 16 of the Constitution," have had the same under consideration, and I am instructed to report it back with the following substitute, to-wit: "A Joint Resolution proposing an amendment to Article 14 of the Constitution," and to recommend that the substitute do pass.

SMITH, *Chairman*.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 205, "proposing an amendment to the Constitution of the State of Texas" (which is a substitution of Article 5—the judiciary department), have had the same under consideration, and I am instructed by a majority of said committee to report it back and recommend that it do pass. SMITH, *Chairman*.

Senator McLeary offered the following resolution:

*Resolved*, That the Senate hold daily sessions of at least four hours in length, until such time as it may be deemed expedient to hold two sessions per day.

Read and ordered to lie over under the rules.

Senator Storey introduced a bill entitled: "An Act to dispose of the United States bonds belonging to the permanent school fund, and to invest the proceeds thereof, together with the money in the Treasury to the credit of said fund, in State bonds to be issued for that purpose, and to provide for the disposition of the money so raised."

Read, and Senator Brady moved to refer the bill to the Committee on Education.

Withdrawn.

Referred to the Committee on Finance.

Senator Edwards introduced a bill entitled: "An Act to amend an act entitled, 'An Act to regulate proceedings in the District Courts,'" approved May 13, 1846.

Read by caption, and referred to Judiciary Committee No. 1.

On motion of Senator Crain, the rules were suspended, and Senate Bill No. 180, "An Act authorizing quarantine on the coast of Texas," taken up and made the special order for Saturday next, and from day to day until disposed of.

On motion of Senator Hobby, the rules were suspended, and Senate Bill No. 119, "An Act to regulate proceedings in the County Court, pertaining to the estates of deceased persons," taken up and made the special order for to-morrow, and from day to day until disposed of.

On motion of Senator Ledbetter, Senate Bill No. 103, "An Act to be entitled, 'An Act to better define the powers and duties of Sheriffs and other officers,'" was taken up and ordered to be considered by sections.

On motion of Senator McLeary, the Senate went into Committee of the Whole in the consideration of Senate Bill No. 103.

Senator McLeary called to the chair.

#### IN SENATE.

Senator McLeary, Chairman of the Committee of the Whole, reported that the committee had had under consideration Senate Bill No. 103, "An Act to better define the powers and duties of Sheriffs and other officers," and beg leave to report the same back to the Senate with the accompanying amendments, and recommend that it do pass, as amended.

The following are the amendments:

In Section 1, strike out all after the word, "that," in line 1, and inclusive of the word, "or," in line 5, and insert in lieu thereof the following: "When an offense is committed in the presence of a peace officer, or within his view, if the offense is one classified as a felony or breach of the peace; or when a felony or breach of the peace has been committed in the presence or within the view of a magistrate, and such magistrate shall verbally order the arrest of the offender, or when such peace officer."

Strike out the word, "crime," whenever it shall occur in the bill, and insert in lieu thereof the words, "felony or breach of the peace."

Amend Section 2, by inserting after the word, "county," in line 8, the words, "subject to military service."

Amend Section 3, by striking out in line 2, the words, "in such manner as to satisfy him."

Amend Section 5, by inserting in line 14, after the word, "citizens," the words, "not to exceed twenty;" and adding at the end of the section the words, "after said arrest is made, or it is ascertained that said arrest cannot be made."

Amend Section 6, by striking out the words, "any officer named in this act," in line 1, and insert in lieu thereof the word, "Sheriff."

In line 5, after the word, "horses," insert the words, "not in actual use."

In line 4, strike out the word, "seized," and insert the word, "hired."

In line 9, strike out the word, "seized," and insert the word, "hired."

In line 16, strike out the word, "seized," and insert the word, "hired."

In line 16, after the word, "arms," insert the words, "and horses."

In Section 7, strike out all after the word, "State," where it first occurs in line 18.

In line 2, strike out the words, "any officer," and insert the word, "Sheriff."

Strike out the word, "seized," in lines 13 and 17, and insert the word, "hired."

Amend Section 8 by inserting, "hire," where "seize," occurs; "hired," where "seized," occurs; and, "hiring," where "seizure," occurs.

Insert after the word, "claim," in line 34, the words, "*and provided further*, it shall be the duty of said Judges to investigate the truth and justice of all such claims before approving the same," and strike out all of the balance of the section.

In Section 9, line 24, strike out, "one," and insert in lieu thereof the word, "five."

In Section 10, line 8, strike out the word, "fifty," and insert in lieu thereof the word, "ten."

In Section 12, line 4, strike out the word, "five," and insert in lieu thereof the word, "three."

In Section 13, line 8, strike out the word, "twice," and insert in lieu thereof the words, "four times."

Senator Douglass offered the following amendment to Section 2 of the bill:

In Section 2, line 8, strike out the words, "subject to military service," and insert, "between the ages of eighteen and forty-five years, otherwise subject to military duty."

Pending the consideration of this amendment, on motion of Senator Smith, the Senate adjourned until to-morrow morning at 10 o'clock, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Ford, Grace, Guy, Henry J. R., Henry F. M., McCulloch, Motley, Ripetoe, Smith, Storey, Terrell—14.

NAYS—Senators Burton, Carroll, Crain, Douglass, Edwards, Hobby Ledbetter, McLeary, Moore, Stephens, Thompson, Wortham—12.